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## **FACSIMILE TRANSMISSION**

Transmit to:

Jay C. Paul, Esquire

Fax No.:

(804) 668-5329

Date:

February 5, 2020

In Re:

Payne v. Payne

From:

James M. Goff II, Esquire

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Comment(s): Please see the attached communication.

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February 5, 2020

## IMMEDIATE ATTENTION REQUIRED

#### DELIVERED BY HAND

Wendy S. Hughes, Clerk Chesterfield Circuit Court 9500 Courthouse Road Post Office Box 125 Chesterfield, Virginia 23832

RE: Thomas Clifford Payne v. Cheryl Cibula Payne

Case No. CL16-2435-00

Dear Ms. Hughes:

Please find enclosed the following for filing with the above-referenced matter in your court.

- 1. Motion to Stay;
- 2. Order to Stay; and
- 3. Motion to Rehear and Reconsider.

Please be advised that today is the twenty-first (21st) day following entry of the Final Decree in which a rehearing can be granted. It is imperative that the Order to Stay be entered today. I respectfully ask that you present the Order to Stay to one of the Honorable Judges of Chesterfield Circuit Court for entry by the close of business today.

Thank you for your generous assistance in this matter.

James-M. Goff II

JMGII:mdw Enclosure

cc: Thomas C. Payne
Jay C. Paul, Esquire

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#### VIRGINIA:

## IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

THOMAS CLIFFORD PAYNE,

Plaintiff,

v.

Case No. CL16-2435-00

CHERYL CIBULA PAYNE,

Defendant.

# **MOTION TO STAY**

COMES NOW your Plaintiff, Thomas Clifford Payne, by counsel, and moves the Court to stay the Final Decree entered on January 15, 2020 by the Chesterfield Circuit Court, pending the Motion to Rehear and Reconsider filed simultaneously herein.

THOMAS CLIFFORD PAYNE

Bv∵

James M. Goff II, Esquire VSB No. 35439 M. Donette Williams, Esquire VSB No. 93998 JAMES M. GOFF II, P.C. 10310 Memory Lane, Suite 2-C Post Office Box 313 Chesterfield, Virginia 23832 Telephone: (804) 706-9400 Facsimile: (804) 706-9402 igoff@jamesgofflaw.com

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**CERTIFICATE** 

I hereby certify that a true and correct copy of the foregoing Motion to Stay was sent via facsimile and mailed, first class postage prepaid, to Jay C. Paul, Esquire, P.O. Box 1193, Prince George. Virginia 23875 on this 5th day of February, 2020.

M. Donette Williams

#### VIRGINIA:

# IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

THOMAS CLIFFORD PAYNE,

Plaintiff,

v.

Case No. CL16-2435-00

CHERYL CIBULA PAYNE,

Defendant.

## **ORDER**

CAME THIS DAY, your Plaintiff, Thomas Clifford Payne, by counsel, and moved this Court to enter an Order to stay the Final Decree entered on January 15, 2020 in this matter pending the Motion to Rehear and Reconsider filed by the Plaintiff.

It appearing necessary and proper to do so, it be and is hereby

ORDERED that the Final Decree entered on January 15, 2020 shall be stayed.

Pursuant to Rule 1:13 of the Rules of the Virginia Supreme Court endorsement herein by Jay C. Paul, counsel for the Defendant, shall not be required.

ENTERED: /

Judge

I ask for this:

James M. Goff II, Esquire

ÝSB No. 35439/

M.-Donette-Williams, Esquire

V\$B No. 93998

JAMES M. GOFF II, P.C.

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### VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

THOMAS CLIFFORD PAYNE,

Plaintiff,

v.

Case No. CL16-2435-00

CHERYL CIBULA PAYNE,

Defendant.

## MOTION TO REHEAR AND RECONSIDER

COMES NOW, the Plaintiff, Thomas Clifford Payne, by his counsel, and moves this Court to rehear and/or reconsider issues of equitable distribution and attorney's fees, respectfully stating as follows:

- 1. That this Court entered a Final Decree consistent with its October 23, 2019 letter opinion on January 15, 2020.
- 2. That counsel for the Plaintiff, James M. Goff II, Esquire, received notice by mail of the Defendant's Chapter 13 bankruptcy filing of January 31, 2020 (Exhibit A).
- 3. That the Defendant's bankruptcy filing will materially affect this Court's equitable distribution award as set forth in the Final Decree entered January 15, 2020.
- 4. That the Plaintiff respectfully requests that this Court rehear and reconsider issues of equitable distribution given the Defendant's bankruptcy filing.

WHEREFORE, your Plaintiff, Thomas Clifford Payne, by his counsel, prays that this Court grant a rehearing for the reasons enumerated herein, and for such other and further relief as this Court shall deem meet and necessary.

THOMAS CLIFFORD PAY

Counsel

James M. Goff II, Esquire VSB No. 35439 M. Donette Williams, Esquire VSB No. 93998 JAMES M. GOFF II, P.C. 10310 Memory Lane, Suite 2-C Post Office Box 313 Chesterfield, Virginia 23832 Telephone: (804) 706-9400 Facsimile: (804) 706-9402 jgoff@jamesgofflaw.com www.jamesgofflaw.com

## **CERTIFICATE**

I hereby certify that a true and correct copy of the foregoing Motion to Rehear and Reconsider was sent via facsimile and mailed, first class postage prepaid, to Jay C. Paul, Esquire, P. O. Box 1193, Prince George, Virginia 23875 on this 5th day of February, 2020.

M. Doziette Williams

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